

CS00-198



Application 09/957,424

175 4

July 18, 2003

#4/13  
7/28/03

TO: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: Art Unit 1754 - Examiner William G. Wright

FROM: George O. Saile, Reg. No. 19,572  
28 Davis Avenue  
Poughkeepsie, N.Y. 12603

SUBJECT: Serial #: 09/957,424  
File Date: Sept. 21, 2001  
Inventor: Lee Kok Tong  
Examiner: William G. Wright  
Art Unit: 1754  
Title: Wet Abatement System for Waste SiH<sub>4</sub>

RECEIVED  
JUL 24 2003  
GROUP 1700

### RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Restriction Requirement in the Office Action dated June 18, 2003. In that office action, restriction was required to one of the following Inventions under

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents P.O. Box 1450, Alexandria, VA 22313-1450 on July 18, 2003.

Signature   
Stephen B. Ackerman, Reg. No. 37,761

Date: July 18, 2003

35 U.S.C. 121:

The inventions stated are:

I - Claims 1-15 and 18-25, drawn to a silane gas abatement system, classified in class 422, subclass 168, and

II - Claims 16 and 17, drawn to a silane abatement process, classified in class 423, subclass 248.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group II - Claims 16 and 17 drawn to a silane abatement process classified in Class 423, subclass 248. This election is made with traverse of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

*423/248 stereo Ackman called.*

The Examiner is respectfully requested to reconsider the Requirement for Restriction in the Office Action.

The Examiner gives the reasons for the distinctness between Inventions I and II as (1) that the process as claimed can be practiced by another and materially different apparatus, or (2) the apparatus as claimed can be used to practices another and materially different process (M.P.E.P. 806.05(e)). However, upon reading the process Claims against the apparatus Claims one can readily see that the process Claims are

directed to a method of forming "a silane abatement process", and that the apparatus claims are directed to "a silane abatement system", and that it is necessary to obtain claims in both the process and apparatus claim language. The process claims necessarily use the apparatus and vice versa. The field of search must necessarily cover both the process class/subclass 423/248 and apparatus class/subclass 422/168, in addition to other related classes and subclasses, to provide a complete and adequate search. The fields of search for Groups I and II are clearly and necessarily co-extensive. The Examiner's suggestion that "the system may be used to treat HCl gas" is speculative and has nothing to do with the Claims as presented in this patent application.

Further, it is respectfully suggested that these reasons are insufficient to place the cost of additional patent applications upon the applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement, and allowance of the present Patent Application, is respectfully requested.

It is requested that should there be any problems with this response, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,



Stephen B. Ackerman, Reg. No. 37,761